

**ENTERED**

October 07, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

HORACIO CANTU VELA,

Plaintiff,

v.

BOBBY LUMPKIN

Defendant.

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Civil Action No. 7:24-CV-00149

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the September 12, 2024, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Juan F. Alanis. (Dkt. No. 10). Judge Alanis made findings and conclusions regarding Plaintiff’s Petition for Writ of Habeas Corpus, (Dkt. No. 1), and Amended Complaint/Counterclaim/Crossclaim, (Dkt. No. 6), and – based on Vela’s letter stating that Vela does not want to continue with the instant case, (Dkt. No. 9) – recommended that Plaintiff’s action be dismissed without prejudice.

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

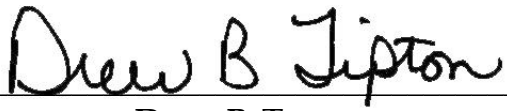
(1) Judge Alanis’s M&R, (Dkt. No. 10), is **ACCEPTED** and **ADOPTED** in its

entirety as the holding of the Court; and

- (2) This action filed by Petitioner Horacio Cantu Vela is **DISMISSED WITHOUT PREJUDICE**.

It is SO ORDERED.

Signed on October 7, 2024.

  
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DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE